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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/375,862	08/17/99	CHANG	S 0411.63239

QM02/1108

GREER BURNS & CRAIN LTD
SUITE 8660 - SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO IL 60606

EXAMINER

WOO, R

ART UNIT

PAPER NUMBER

3745

DATE MAILED:

11/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/375,862

Applicant(s)
Shun-Chen Chang

Examiner
Richard Woo

Group Art Unit
3745



☒ Responsive to communication(s) filed on Aug 7, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 13 and 16-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 13 and 16-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Amendment

1. The cancellation of claims 1-12, 14-15 and 20-26, without prejudice, and the amendment of claims 13 and 17 are acknowledged.
2. Applicant's arguments filed on August 7, 2000, have been fully considered but they are deemed to be moot in view of the new grounds of rejection. The new grounds of rejection are necessitated by introducing any guard blade and any rotor blade constituting a near letter C configuration in a cross-sectional view at a moment that a leading point of the guard blade aligned with a trailing point of the rotor blade in an axial direction.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 U.S.C. § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 13 and 16-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In Claim 13, line 9, the recitation of "a near letter C configuration" renders the claim indefinite because it is based on subjective word and is not based on a comparative basis.

Claim Rejections - 35 U.S.C. § 102

6. Claims 13 and 17-19, as far as they are definite, are rejected under 35 U.S.C. 102(e) as being anticipated by Tsubakida et al. (US 6,024,536).

Tsubakida et al. discloses a fan guard to be mounted beside a rotor device (6) of a heat-dissipation fan for supporting the rotor device and supercharging the fan, comprising:

a main frame (10);

a set of guard blades (21) radially arranged inside the main frame and fixed onto an inner surface of the main frame by one ends thereof (Fig. 10),

wherein the guard blades are arranged downstream of rotor blades (6b) of the rotor device, and have a shape substantially identical to that of the rotor blades, and an arrangement relative to the rotor blades allowing any one of the guard blades and any one of the rotor blades to constitute a "C" configuration in a cross-sectional view at a moment that a leading point of the guard blade aligned with a trailing point of the rotor blade in an axial direction so as to transform a tangential velocity of an air outflow from the rotor device into a static pressure (Fig. 15; these rotor and guard blades must

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constitute a "C" configuration in a cross-sectional view at a moment that a leading point of the guard blade aligned with a trailing point of the rotor blade in an axial direction);

a motor holder (20) which is a hollow cylinder substantially located at the center of the main frame, and fixed thereto the other ends of the guard blades;

at least one reinforcing ring (22) connecting all of the guard blades; and

the guard blades made of a material selected from a group consisting of a plastic and a metal.

Claim Rejections - 35 U.S.C. § 103

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsubakida et al. in view of Japan Patent No. 02-026,799.

Tsubakida et al. discloses the invention as recited earlier, but fails to disclose the fan guard comprising another frame and another set of guard blades arranged upstream of the rotor blades.

Japan Patent teaches, for a heat-dissipation fan, that the fan comprises a frame and set of guard blades (12 in Fig. 3) arranged upstream of rotor blades (See d1 in Fig. 7) (On page 4, line 7 - page 5, line 14).

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Since Japan Patent and Tsubakida et al. are both from the same field of endeavor, the purpose disclosed Japan Patent would have been recognized in the pertinent art of Tsubakida et al..

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the another frame and the another set of guard blades into the upstream of rotor blades of Tsubakida et al., as taught by Japan Patent, for the purpose of enhancing the fan efficiency so as to promote the heat exchange rate for the heat exchanger.

Conclusion

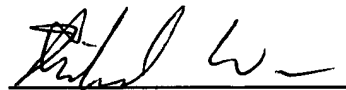
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is (703) 308-7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on (703) 308-1044. The fax number for this group is (703) 305-3463. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.



Richard S. Woo
Patent Examiner
Art Unit 3745
November 03, 2000



F. DANIEL LOPEZ
PRIMARY EXAMINER

ATTACHMENT TO AND MODIFICATION OF
NOTICE OF ALLOWABILITY (PTO-37)
(November, 2000)

NO EXTENSIONS OF TIME ARE PERMITTED TO FILE CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION, notwithstanding any indication to the contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored¹:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

¹ The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).